

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. ALEXANDER: . . . [A] certificate of election from the appropriate State officer is considered only as prima facie evidence of election and may be rendered ineffective by the House under its power to judge elections. . . .

Mr. Speaker, the matter before us today was . . . resolved in a memorandum opinion on March 1 by the U.S. district court for the District of Columbia in the case of McIntyre versus O'Neill, whereupon the court found as follows. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, am I correct that the gentleman must address himself to the resolution that is before the House, and addressing district court matters that are outside the ability of this House to make decisions would not be addressing itself specifically to the resolution at hand?

THE SPEAKER PRO TEMPORE: The Chair must rule that if a court proceeding relates to a matter under discussion in the Chamber, then it is not out of order to make reference to the court's findings and related matter during debate on the motion to refer.

§ 37. Debate in Committee of the Whole

During general debate in the Committee of the Whole, remarks need not be confined to the pending bill unless ordered by the House or unless Calendar Wednesday business is being considered.⁽¹⁰⁾ Under the modern

9. James C. Wright, Jr. (Tex.).

10. See § 39.1, *infra*.

practice, however, bills are generally considered in the Committee of the Whole pursuant to special rules reported by the Committee on Rules,⁽¹¹⁾ and such rules often provide that debate in the Committee shall “be confined to the bill,” therefore requiring relevancy in debate.⁽¹²⁾ Similarly, the Committee may by unanimous consent require that debate be confined to the bill,⁽¹³⁾ in which case the Members in their remarks must conform to the rule of relevancy.

If a Member does not obtain unanimous consent to speak out of order and is repeatedly called to order for failing to confine himself to the subject, he may be directed by the Chair to take his seat.⁽¹⁴⁾

Where a bill is being read for amendment in the Committee of the Whole under the five-minute rule, all debate should be confined

to the pending amendment,⁽¹⁵⁾ and a Member should not discuss under the five-minute rule amendments to parts of the bill and subjects not then before the committee.⁽¹⁶⁾ Although Members frequently avail themselves of the practice under the five-minute rule of offering pro forma amendments, the purpose of which is to gain time in debate without actually offering an amendment, a point of order against a Member so moving will require him to limit his remarks to the pending question.⁽¹⁷⁾ But a Member offering the preferential motion to strike the enacting clause under the five-minute rule may discuss the entire bill, the motion bringing into question the entire bill before the Committee of the Whole.⁽¹⁸⁾

An appeal to the Chair’s ruling in the Committee of the Whole is

15. See § 38.1, 38.4, *infra*; 5 Hinds’ Precedents § 5240–5256; 8 Cannon’s Precedents § 2591.

Rule XXIII clause 5, *House Rules and Manual* § 870 (1995) allows a Member offering an amendment in the Committee of the Whole five minutes “to explain any amendment he may offer.”

16. See § 38.5, *infra*.

A Member may obtain unanimous consent to speak out of order during the five-minute rule (see § 38.16, 38.17, *infra*).

17. See § 38.8–38.14, *infra*.

18. See § 37.5–37.11, 38.18–38.20, *infra*.

See Rule XXIII clause 3, *House Rules and Manual* § 865 (1995) and the comments thereto for the subjects requiring consideration in Committee of the Whole. Under clause 7 of Rule XXIV, general debate in Committee of the Whole on Calendar Wednesday business must be confined to the bill.

11. See Ch. 21, *supra*.

12. See § 37.1, *infra*.

13. See § 37.2, *infra*.

14. See § 37.1, *infra*; 8 Cannon’s Precedents § 2592, 2594, 2595.

governed by the five-minute rule, and debate on the appeal must be confined to the subject of the Chair's ruling.⁽¹⁹⁾

Effect of Special Rule

§ 37.1 Where a rule provides that debate in the Committee of the Whole shall be confined to the bill, a Member must confine his remarks to the bill and if he continues to speak to other matters after repeated points of order, the Chair will request that he take his seat.

On Mar. 29, 1944,⁽²⁰⁾ the Committee of the Whole was considering H.R. 4257, to expatriate or exclude certain persons for evading military and naval service. (The House had adopted H. Res. 482 for consideration of the bill in Committee of the Whole, providing that general debate be "confined to the bill.")

Mr. Emanuel Celler, of New York, requested unanimous consent to speak out of order, and Mr. Noah M. Mason, of Illinois, objected to the request on the ground that "under the rule adopted by the House, debate on this bill is to be restricted to the bill."

¹⁹. See § 38.15, *infra*.

²⁰. 90 CONG. REC. 3263, 78th Cong. 2d Sess.

Mr. Celler was then called to order twice for speaking to a subject irrelevant to the bill; he discussed the conduct of the Arabian nations in relation to the American war effort.

When Mr. Celler continued to speak out of order, the following exchange took place (Chairman James Domengeaux [La.] presiding):

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN: The gentleman will state the point of order.

MR. SABATH: The gentleman is not speaking to the bill. He has been admonished several times, he has refused, and I am obliged to make the point of order myself, though I regret it.

THE CHAIRMAN: The point of order is sustained and the gentleman is again requested to confine himself to the bill.

MR. MASON: Mr. Chairman, a parliamentary inquiry. How many times do we have to call the gentleman to order and try to get him to confine his remarks to the bill before the privilege of the House is withdrawn?

THE CHAIRMAN: This will be the last time. If the gentleman does not proceed in order, he will be requested to take his seat.

Debate on "Omnibus" Appropriation Bill

§ 37.2 Where general debate was confined in the Com-

mittee of the Whole to an appropriation bill by unanimous consent, the Speaker indicated that since the pending bill included many different appropriations, debate on the bill would be broad in scope.

On Apr. 3, 1950,⁽¹⁾ the House resolved itself into the Committee of the Whole for the consideration of H.R. 7786, making appropriations for the support of the government for the fiscal year ending June 30, 1951. By unanimous consent, the House ordered that general debate be confined to the bill. Mr. Ben F. Jensen, of Iowa, arose to express the hope that the Chairman of the Committee, Clarence Cannon, of Missouri, and other Members would not make points of order on the relevancy of debate since there was so much involved in the bill. Speaker Sam Rayburn, of Texas, replied:

The Chair would think that this appropriation bill actually being 11 bills in one, and covering everything in the Government, a Member speaking on the bill would have a rather wide range.

Parliamentarian's Note: The 1951 appropriation bill consolidated into one bill 11 different appropriation bills considered in prior years.

1. 96 CONG. REC. 4614, 4615, 81st Cong. 2d Sess.

Speaking Out of Order by Unanimous Consent

§ 37.3 Where the Committee of the Whole House on the State of the Union is considering a bill under terms of a resolution which states that debate shall be "confined to the bill," a Member may proceed out of order only by unanimous consent.

On Nov. 27, 1967, the Committee of the Whole was considering H.R. 13489, a credit union measure.⁽²⁾ The Member having the floor had yielded two minutes to Mr. John M. Murphy, of New York, who was speaking on the failure of the city administration of New York City to provide an adequate housing program. Mr. Durward G. Hall, of Missouri, rose to state a point of order that Mr. Murphy was speaking out of order. The Chairman, Donald M. Fraser, of Minnesota, indicated that Mr. Murphy could speak out of order only by unanimous consent.

§ 37.4 Where a resolution confines general debate on a bill in Committee of the Whole to the bill under consideration, a Member may speak on an-

2. 113 CONG. REC. 33773, 90th Cong. 1st Sess.

other subject only by unanimous consent, and the Member controlling the time may not yield to another Member to speak out of order.

On Nov. 25, 1970, the Committee of the Whole was considering H.R. 19504, the Federal Aid Highway Act of 1970, under a resolution (H. Res. 1267) confining general debate to the subject matter of the bill.⁽³⁾ Mr. John C. Kluczynski, of Illinois, who had the floor, yielded to Mr. Samuel S. Stratton, of New York, to speak out of order. Chairman Chet Holifield, of California, ruled that Mr. Kluczynski was required to make a unanimous-consent request for that purpose and that the Chair could not make the request for him.

Scope of Debate on Motion To Strike Enacting Clause

§ 37.5 Debate on a preferential motion that the Committee of the Whole rise with the recommendation that the enacting clause be stricken out may go to any portion of the bill under consideration.

On Apr. 4, 1974,⁽⁴⁾ during consideration of the supplemental

3. 116 CONG. REC. 38747, 91st Cong. 2d Sess.

4. 120 CONG. REC. 9853, 93d Cong. 2d Sess.

military procurement authorization for fiscal year 1974 (H.R. 12565) in the Committee of the Whole, Mr. John J. Flynt, Jr., of Georgia, made a motion, as follows:

MR. FLYNT: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Flynt moves that the Committee now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

THE CHAIRMAN PRO TEMPORE:⁽⁵⁾ The gentleman is recognized for 5 minutes.

MR. FLYNT: Mr. Chairman, make no mistake about it, this so-called \$1.4 billion ceiling is in reality—

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Chairman, a point of order.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. WAGGONER: I make a point of order that the gentleman is not speaking to the preferential motion.

THE CHAIRMAN PRO TEMPORE: Under the rule governing preferential motions, the gentleman from Georgia is privileged to speak to any part of the bill, but he must confine his remarks to the bill.

§ 37.6 Debate in opposition to a preferential motion to strike out the enacting clause may relate to any portion of the bill, including the merits of an amendment

5. James G. O'Hara (Mich.).

pending when the preferential motion was offered.

During consideration of the military procurement authorization (H.R. 6674) in the Committee of the Whole on May 20, 1975,⁽⁶⁾ the proposition described above was demonstrated as follows:

MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.

THE CHAIRMAN:⁽⁷⁾ The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to. . . .

THE CHAIRMAN: The time of the gentleman has expired. [All time has expired.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill. . . .

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion.

I thank the gentleman from Maryland for giving me an opportunity to expand a little bit more on some of these ridiculous spending programs that waste the taxpayers' dollars.

If the offices of other Members are like mine, whenever they get one of these letters they begin to wonder, and people begin to ask the Members, just what it is we do to take care of these situations. If we pass this routine authorization bill for the Defense Department for \$32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

MR. BAUMAN: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The gentleman speaks on the preferential motion.

The Chair would like to make the observation that any portion of the bill is open to [debate].

§ 37.7 Since the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken applies to the entire bill, debate may be directed to any part of the bill (including a pending amendment) and need not be confined to the merits of the preferential motion.

On June 20, 1975,⁽⁸⁾ during consideration of the Energy Research

6. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

7. Dan Rostenkowski (Ill.).

8. 121 CONG. REC. 19971, 94th Cong. 1st Sess.

and Development Administration authorization for fiscal year 1976 (H.R. 3474), the following proceedings occurred:

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Harkin moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. HARKIN: Mr. Chairman, this amendment simply does this. It sets a middle-ground course between the Coughlin amendment and the committee position.

What my amendment does is go back to the original law as it was enacted and ask that the utility companies and private industries come up within 50 percent of the capital cost of the construction of the Clinch River breeder reactor. . . .

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, a point of order. . . .

Mr. Chairman, does the gentleman not have to speak to the preferential motion?

THE CHAIRMAN:⁽⁹⁾ The Chair would advise the gentleman, as he advised another gentleman awhile ago, that debate on the preferential motion opens the entire bill to debate. . . .

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a parliamentary inquiry. . . .

My point of parliamentary inquiry is, does not the gentleman have to relate

to his motion in some manner? He is not even remotely relating to his motion.

THE CHAIRMAN: The Chair has listened to the gentleman in the well and it seems to the Chair that the gentleman in the well is debating within the parameters of the bill which is before the Committee, and the point of order is overruled.

§ 37.8 Since the preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken applies to the entire bill, debate may be directed to any part of the bill, and the motion may be used by a Member to secure five minutes to debate a pending amendment notwithstanding a limitation of time for debate on the pending amendment and all amendments thereto.

On June 20, 1975,⁽¹⁰⁾ during consideration of H.R. 3474⁽¹¹⁾ in the Committee of the Whole, the following proceedings occurred:

MR. [JOHN] YOUNG of Texas: Mr. Chairman, I move that all debate on this amendment and all amendments thereto cease in 30 minutes.

10. 121 CONG. REC. 19941, 19951, 94th Cong. 1st Sess.

11. A bill authorizing appropriations for the Energy Research and Development Administration for fiscal year 1976.

9. J. Edward Roush (Ind.).

THE CHAIRMAN:⁽¹²⁾ The gentleman from Texas moves that all debate on the McCormack amendment and all amendments thereto cease in 30 minutes.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Texas (Mr. Young).

The motion was agreed to. . . .

MR. [ROBERT W.] EDGAR [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Edgar moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. EDGAR: Mr. Chairman, I make this motion to get more time to talk about this very important matter. . . . We rise in support of the Coughlin amendment. We feel very strongly that the gentleman from Iowa (Mr. Harkin) has pointed out many of the important features of this program that have to be taken into consideration and we feel very strongly that we should delete this item from the budget.

Mr. Chairman, I yield the continuation of my time to the gentleman from Iowa (Mr. Harkin). . . .

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The Chair is following regular order. . . .

MR. SYMMS: Is it regular order to seek recognition under a preferential motion?

THE CHAIRMAN: The Chair will state that under the parliamentary proce-

dure the entire bill is under debate. The Chair is following regular order.

§ 37.9 Debate on a preferential motion, that the Committee of the Whole rise and report the bill to the House with the recommendation that the enacting clause be stricken, may relate to any portion of the bill, including the merits of an amendment pending when the motion was offered.

During consideration of the energy and water appropriation bill (H.R. 4388) in the Committee of the Whole on June 14, 1979,⁽¹³⁾ the following exchange occurred:

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN:⁽¹⁴⁾ The Clerk will report the preferential motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. Dingell moves that the Committee do now rise and report the bill back with the recommendation that the enacting clause be stricken out.

MR. [JOHN T.] MYERS of Indiana: Mr. Chairman, is the gentleman opposed to the bill?

THE CHAIRMAN: Is the gentleman from Michigan opposed to the bill?

MR. DINGELL: In its present form, I am, Mr. Chairman.

12. J. Edward Roush (Ind.).

13. 125 CONG. REC. 14995, 96th Cong. 1st Sess.

14. Philip R. Sharp (Ind.).

THE CHAIRMAN: The gentleman qualifies. The gentleman from Michigan is recognized for 5 minutes in support of his motion. . . .

A point of order was made as to the relevancy of Mr. Dingell's subsequent remarks.

MR. [MICKEY] EDWARDS [of Oklahoma]: Mr. Chairman, I do not believe the gentleman is proceeding in order. I believe the gentleman is supposed to speak on his preferential motion and not on the amendment the gentleman is offering.

MR. DINGELL: Mr. Chairman, I am explaining why I will vote for the preferential motion.

THE CHAIRMAN: Any aspect of the bill is debatable.

The gentleman from Michigan is recognized.

§ 37.10 Debate on a preferential motion that the enacting clause be stricken may relate to any portion of the pending bill or amendment, and need not be confined to the propriety of the motion.

The following proceedings occurred in the Committee of the Whole on Aug. 20, 1980,⁽¹⁵⁾ during consideration of the Treasury Department and Postal Service appropriations bill for fiscal 1981 (H.R. 7593):

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion. . . .

15. 126 CONG. REC. 22173-76, 96th Cong. 2d Sess.

THE CHAIRMAN:⁽¹⁶⁾ . . . The Clerk will report the motion.

The Clerk read as follows:

Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

MR. BAUMAN: . . . These health programs, which are provided to Federal employees, are paid for by a combination of Government and employees. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Chairman, a point of order.

Mr. Chairman, I do not believe the gentleman is discussing his preferential motion.

THE CHAIRMAN: The entire bill is debatable on a preferential motion.

§ 37.11 Debate in Committee of the Whole on a preferential motion to rise with the recommendation that the enacting clause be stricken need not be confined to a pending amendment but need only relate to the bill.

On July 29, 1982,⁽¹⁷⁾ during consideration of the military procurement authorization for fiscal year 1983 (H.R. 6030) in the Committee of the Whole, the following proceedings occurred:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

16. Richardson Preyer (N.C.).

17. 128 CONG. REC. 18605, 97th Cong. 2d Sess.

THE CHAIRMAN:⁽¹⁸⁾ The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Walker moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

MR. WALKER: Mr. Chairman, I think we have had a very valuable debate on some vital issues here today. . . .

Now, I did not agree with everybody who brought their issues to the floor. As a matter of fact, I voted against I think most of the amendments that have been offered; but it has been very valuable debate and it has been debate that has taken place in pretty strict adherence to the 5-minute rule, primarily because I started objecting here earlier today, and I must say that I am sorry I had to object to the gentleman from Massachusetts who was making a point on something he felt very strongly about and particularly because I had to object to the gentleman from New York who for many years has stood strong on this floor for civil defense and was not permitted to make his full argument because I objected. . . .

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. JACOBS: Mr. Chairman, I make a point of order that the gentleman is not speaking to his motion.

THE CHAIRMAN: The Chair will observe that debate on this motion can range over the entire bill and procedure thereon.

The gentleman will continue.

18. Les AuCoin (Oreg.).

Argument on Point of Order

§ 37.12 Argument on a point of order must be confined to the point of order and may not go to the merits of the amendment being challenged.

On June 24, 1976,⁽¹⁹⁾ during consideration of H.R. 14232 (the Departments of Labor and Health, Education, and Welfare appropriation bill for fiscal 1977), the following proceedings occurred:

MRS. [MILLICENT H.] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Kansas (Mr. Skubitz).

The Clerk read as follows:

Amendment offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: On page 7, strike the period at the end of line 25, and insert in lieu thereof: “: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to . . . enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation. . . .”

MR. [GARY A.] MYERS [of Pennsylvania]: Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Myers of Pennsylvania to the amendment

19. 122 CONG. REC. 20370, 20371, 94th Cong. 2d Sess.

offered by Mrs. Fenwick as a substitute for the amendment offered by Mr. Skubitz: At the end of the amendment offered by Mrs. Fenwick strike the period and add the following: "*Provided further*, That the funds appropriated under this paragraph shall be obligated or expended to assure full compliance of the Occupational Safety and Health Act of 1970 by Members of Congress and their staffs."

MR. [WILLIAM D.] FORD of Michigan: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN: ⁽²⁰⁾ The Chair recognizes the gentleman from Michigan.

MR. FORD of Michigan: Mr. Chairman, the amendment is not germane. It is also in violation of the rule against legislating on an appropriation bill. . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Pennsylvania (Mr. Myers).

MR. MYERS of Pennsylvania: Mr. Chairman, because of my great concern for the safety of all workers and because of the fact that Members of Congress are allowed in fact to have several offices and up to 18 full-time employees, some of those who travel vehicular equipment on the highways are exposed to extreme hazards. . . .

The objective of this bill is to appropriate money to see that OSHA is bringing under compliance all workers who work in an environment such as an industrial office or similar facilities.

MR. [RONALD A.] SARASIN [of Connecticut]: Mr. Chairman, I make a point of order.

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Myers) is being heard on a point of order.

MR. SARASIN: Mr. Chairman, it would appear that the gentleman is not addressing himself to the point of order, but he is addressing himself to the amendment.

THE CHAIRMAN: The gentleman is correct.

The gentleman from Pennsylvania (Mr. Myers), at this point, should address his comments to the point of order made by the gentleman from Michigan (Mr. Ford), to-wit, that the amendment offered by the gentleman from Pennsylvania (Mr. Myers) would not be germane to the language of the substitute which it would seek to amend and, further, that it would constitute legislation on an appropriation bill.

§ 38. Debate Under Five-minute Rule

Relevancy Requirement

§ 38.1 Debate in the Committee of the Whole under the five-minute rule must be confined to the pending amendment.

On Jan. 23, 1936,⁽¹⁾ during debate on a supplemental appropriations bill, Mr. Hamilton Fish, Jr., of New York, arose to move to strike out the last word and stated that he was using the motion "merely as a vehicle for my remarks." He then commenced to discuss the failure to appropriate

1. 80 CONG. REC. 963, 74th Cong. 2d Sess.

20. James C. Wright, Jr. (Tex.).